

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AUGUST IMAGE, LLC; and MARK
SELIGER,

Plaintiffs,

v.

GIRARD ENTERTAINMENT & MEDIA LLC;
and KEITH GIRARD,

Defendants.

Civil Action No.: 1:23-cv-01492-VEC-RFT

**DECLARATION OF STEPHEN M.
DONIGER IN OPPOSITION TO
DEFENDANTS' MOTION FOR
ATTORNEY'S FEES**

DECLARATION OF STEPHEN M. DONIGER

I, Stephen M. Doniger, hereby declare as follows:

1. I am above eighteen (18) years of age and am competent to give the testimony set forth below. This testimony is given from my own personal knowledge. I make this declaration in opposition to Defendants' Motion for Attorney's Fees. If called as a witness, I could and would competently testify as set forth below.
2. I am a partner and shareholder at Doniger / Burroughs, and am lead counsel for Plaintiffs August Image, LLC and Mark Seliger in this action.
3. Neither I nor anyone from my office ever informed Defendants' counsel that Plaintiffs' licensing invoices at issue in this suit "were never actually paid," and it is my understanding that the licenses we produced were bona fide licenses that were fully paid. Admittedly, our client initially only provided invoices reflecting its share (after its licensing agent's fee) of those license amounts, but if anything, that only served to undervalue our claims in this case (not overvalue them as Defendants suggest we were trying to do).
4. I have been litigating intellectual property cases and representing artists and other copyright holders for over 25 years and take my professional obligations seriously. While I endeavor to litigate proportionate to the needs and value of the case, I would never knowingly misrepresent evidence or advance a claim that I did not believe had merit.
5. Indeed, excepting a handful of attorneys like Defendants' counsel who represent chronic infringers, I and my firm are generally highly regarded in the industry.
6. I personally represent the American Photographic Artists and have been recognized in the industry for my practice in protecting the rights of artists and advancing copyright law

and was honored with the IP Law Section of the California Lawyers' Association with its 2023 Vanguard Award which honors "outstanding legal professionals... for their contributions to the advancement of intellectual property law." See

<https://calawyers.org/intellectual-property-law/congratulations-to-the-2023-ip-vanguard-award-recipients/>.

7. My partner, Scott Alan Burroughs, has been similarly recognized, including just this year being named one of Billboard Magazine's Top Music Lawyers of 2024. See <https://www.billboard.com/pro/billboard-top-music-lawyers-2024-list/>.
8. Plaintiffs at no point demanded \$150,000 to settle this case, and indeed Plaintiffs and I worked with Defendants toward reaching an amicable resolution to this matter, ultimately demanding \$2,000 inclusive of costs before Defendants filed their Motion for Judgment on the Pleadings. In contrast, Defendants never offered more than 3-figures (i.e., all offers were less than \$1,000 inclusive of costs).

I declare, under penalty of perjury, that the foregoing is true and accurate to the best of my knowledge.

Executed on April 26, 2024 in Los Angeles, California.

By: /s/ Stephen M. Doniger
Stephen M. Doniger
Declarant